

STATE BOARD OF EDUCATION

STATE OF GEORGIA

A. H.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2006-09
	:	
GRADY COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by A. H. (Student) from a decision by the Grady County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel her through the end of the first semester of the 2005-2006 school year because she possessed and used an alcoholic beverage on school grounds. The Student claims that the Local Board’s decision was arbitrary and capricious because other students were not similarly disciplined during the year. The Student also claims that the Local Board failed to tell her which policy it was enforcing. The Local Board’s decision is sustained.

The Student admittedly brought alcohol on campus on May 19, 2005, and shared it with another student. She was charged with possession and consumption of alcohol on school grounds during the school day. Before the student disciplinary tribunal, the school system presented testimony by a witness who saw the Student drinking the alcohol and the Student did not attempt to deny she brought the alcohol to school and shared it with another student. The Student only argued that other students who had been caught drinking while on a school-related function had not been expelled from school. The tribunal, however, decided to expel her until the end of the first semester of the 2005-2006 school year. The Local Board upheld the tribunal’s decision and the Student then appealed to the State Board of Education.

On appeal, the Student claims that she is being discriminated against because other students who were caught with alcohol while on a school trip and two other groups who were involved in drinking on campus were not similarly disciplined. The discipline to be imposed is within the discretion of the Local Board. There was no showing that the circumstances involved with all of the students were the same. The punishment imposed on the Student was within the discretionary authority of the Local Board.

The Student also claims that she was not informed about which policy she violated. The Local Superintendent had issued a memorandum to the staff concerning the handling of drugs and alcohol on campus. Additionally, after the Student’s hearing, the Local Board made some changes in the drug and alcohol policy. The Student, however,

was charged under the Local Board policy that existed at the time of her incident. Both the memorandum and the policy change were not applicable because the memorandum did not constitute a Local Board policy and the policy change had not been enacted. The Student's claim, therefore, is without any merit.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board's decision was within its discretionary authority and did not discriminate against the Student. Accordingly, the Local Board's decision is **SUSTAINED**.

This _____ day of October 2005.

Wanda T. Barrs
Chair, State Board of Education